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REMARKS

Claims 1, 2, 5-13, 16-21, and 23-33 are pending in the present Application. Claims 1, 7-13, 16, 18, 21, 24-26, and 30-33 have been amended, and claims 34 and 35 have been added, leaving Claims 1, 2, 5-13, 16-21, and 23-35 for consideration upon entry of the present Amendment. Support for the amendment to the claims can be found in the specification and claims as originally filed. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 31 and 33 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to reasonably convey to one skilled in relevant art that the inventors, at the time the s was filed, had possession of the claimed invention. In making the rejection the Examiner has asserted that Claims 31 and 33 were directed to a blend of two materials and hence are not supported in the specification.

Applicants have amended the claims.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 2, 5-7, 10-13, 16, 17, 19-21, and 24-33 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Application No. 2001/0031831 to Miyoshi et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al. In particular the Examiner has stated that it would have been "obvious to use a PPE copolymer containing 2-50 wt% of 2,3,6-trimethyl-1,4-phenylene units (as per Yonemitsu et al.) for the copolymer described in Miyoshi et al." (Office Action dated April 4, 2003, page 4) The examiner has further stated "Regarding the impact modifier component, it is maintained that one having ordinary skill in the art would find it obvious to use a combination of SEBS and SEP impact modifier since each member of the combination was shown individually to perform the same chemical function, and the skilled artisan would have expected such a combination to work." (Office Action dated April 4, 2003,

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page 4) Applicants respectfully traverse this rejection.

Miyoshi et al. was published on October 18, 2001. The pending application was filed on November 7, 2001, less than one month after the publication of Miyoshi et al. Applicants respectfully assert that Miyoshi does not apply as prior art under 35 U.S.C. §102 and hence cannot be used as prior art under 35 U.S.C. §103. In support of this assertion, Applicants submit herewith a declaration under 37 CFR 1.131. Yonemitsu et al. has been cited for its teaching with regard to the polyphenylene ether copolymer and does not, by itself, provide adequate basis for a prima facie case of obviousness.

Claims 1, 2, 5-7, 10-13, 16, 17, 19-21, and 24-33 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over EP 0 924 261 to Koevoets et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al.

Koevoets et al. generally describe thermoplastic compositions comprising a compatibilized polyphenylene ether-polyamide resin blend which is modified with an impact modifier containing at least moieties that are reactive with the polyamide resin. The preferred impact modifier is an alkylene-alkyl (meth)acrylate copolymer comprising at least two moieties selected from the group consisting of carboxylic acid, anhydride, epoxy, oxazoline, and orthoester.

The amended claims explicitly recite either a composition which is free of an alkylene-alkyl meth(acrylate) copolymer or a composition that consists essentially of polyphenylene ether copolymer, polyamide, an electrically conductive filler and an impact modifier comprising a styrene-(ethylene-butylene)-styrene triblock copolymer, a styrene-(ethylene-propylene) diblock copolymer or a styrene-(ethylene-butylene)-styrene triblock copolymer and a styrene-(ethylene-propylene) diblock copolymer. Thus it is clear that the claimed compositions do not contain an alkylene-alkyl meth(acrylate) copolymer, a element required by Koevoets et al. Yonemitsu et al. has been cited for its teaching with regard to polyphenylene ether copolymers and does not, by itself, provide adequate basis for a rejection under 35 U.S.C. § 103(a). Because Koevoets et al. does not teach or suggest a compatibilized polyphenylene ether-polyamide composition that does not contain an alkylene-alkyl meth(acrylate) copolymer, the combination of Koevoets et al. and Yonemitsu et al. does not form a prima facie case of obviousness for the amended claims.

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Claims 8 and 9 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over U.S. Patent Application No. 2001/0031831 to Miyoshi et al. in view of U.S. Patent No. 4,011,200 to Yonemitsu et al. and further in view of U.S. Patent No. 6,528,572 to Patel et al. Miyoshi and Yonemitsu have been described above. Patel generally discloses a composition comprising polymeric resin, electrically conductive filler, and antistatic agents.

As discussed above, Miyoshi cannot be used as prior art under 35 U.S.C. §103 and the combination of Yonemitsu et al. and Patel et al do not provide adequate basis for a rejection under 35 U.S.C. §103.

Claim 18 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi in view of Yonemitsu and further in view of U.S. Pat. No. 6,277,907 to Gelbin. Miyoshi and Yonemitsu have been described above. Gelbin generally discloses a method for stabilizing a thermoplastic resin, which may also contain carbon black and/or glass, wherein the method comprises adding to the resin a stabilizing amount of at least one sterically hindered phenol antioxidant, at least one secondary amine antioxidant and/or at least one N,N'-substituted oxamide antioxidant, and at least one thioether antioxidant.

As discussed above, Miyoshi cannot be used as prior art under 35 U.S.C. §103 and the combination of Yonemitsu et al. and Gelbin do not provide adequate basis for a rejection under 35 U.S.C. §103.

Claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Miyoshi in view of Yonemitsu and further in view of U.S. Patent No. 6,221,283 to Dharmarajan et al. Miyoshi and Yonemitsu have been described above. Dharmarajan et al. has been cited for its teaching with regard to incorporating filler into a thermoplastic composition as part of a masterbatch. Applicants respectfully submit that without the primary reference Miyoshi, a rejection under 35 U.S.C. §103(a) is improper.

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It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance is requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862 maintained by Assignee.

Respectfully submitted,

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